

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DESTINE L. SHOOK,

Petitioner,

CRIM. NO. 2:07-cr-00033

CASE NO. 2:07-cv-1239

JUDGE HOLSCHUH

MAGISTRATE JUDGE ABEL

v.

UNITED STATES OF AMERICA,

Respondent.

**OPINION AND ORDER**

On April 15, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside, or corrects sentence pursuant to 28 U.S.C. §2255 be dismissed, and further directed that Ground B of petitioner's motion be docketed as a motion for reduction of sentence and referred to the Federal Public Defender for further consideration under this Court's General Orders 08-02 and 08-03.

On May 5, 2008, the Court granted petitioner's request for an extension of time to file objections to the Magistrate Judge's *Report and Recommendation*. See Doc. Nos. 31, 32. Although the Court explicitly advised the parties of the right to object to the Magistrate Judge's *Report and Recommendation* and of the consequences of failing to do so, and granted petitioner's request for a continuance to file his objections to the *Report and Recommendation*, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby  
**DISMISSED**.

**IT IS SO ORDERED.**

Date: July 16, 2008

/s/ John D. Holschuh  
JOHN D. HOLSCHUH  
United States District Judge